

SENATE BILL No. 372

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-20-10.

Synopsis: Registration of composting facilities. Requires a composting facility, upon application to register with the department of environmental management, to give notices to interested persons and to have a financial assurance plan to cover site restoration if the facility discontinues operation. Changes the period of registration from five to two years. Requires a facility to have controls for the protection of wetlands.

Effective: July 1, 2003.

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January 16, 2003, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 372

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-20-10-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. **(a) To ~~register~~**
3 **renew the registration of** a composting facility for vegetative matter
4 **that was registered** with the department **before July 1, 2003**, a person
5 must submit an application to the department that contains the
6 following:

7 (1) A:

8 (A) legal description; and

9 (B) topographic map;

10 of the site on which the composting facility ~~will be~~ **is** located.

11 (2) A description of the composting facility that indicates the area
12 **to be** served by the composting operation.

13 (3) An estimate of the volume of materials ~~that will be~~ processed
14 annually by the composting facility.

15 (4) **Information showing that the facility is covered for the full**
16 **registration period by a financial assurance plan adequate to:**

17 **(A) remove all composting vegetative matter; and**



**(B) restore the site;
if operation of the facility is discontinued.**

(5) Any other information that the department or the solid waste management board requires by rule.

(b) To register with the department a composting facility for vegetative matter that was not registered with the department before July 1, 2003, a person must submit an application to the department that contains the following:

(1) A:

(A) legal description; and

(B) topographic map;

of the site on which the composting facility will be located.

(2) A description of the composting facility that indicates the area to be served by the composting operation.

(3) An estimate of the volume of materials that will be processed annually by the composting facility.

(4) Information showing that the facility will be covered for the full registration period by a financial assurance plan adequate to:

(A) remove all composting vegetative matter; and

(B) restore the site;

if operation of the facility is discontinued.

(5) Information showing:

(A) compliance with section 4(1) of this chapter; and

(B) that notice of the registration application was given:

(i) to the members of the general assembly elected from the legislative districts in which the facility is located;

(ii) by registered or certified mail to the owners of all real property located within two hundred (200) feet of the facility; and

(iii) to the general public under IC 5-3-1.

(6) Any other information that the department or the solid waste management board requires by rule.

SECTION 2. IC 13-20-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. Except as provided in sections 5 and 6 of this chapter, the active area of a composting facility for vegetative matter:

(1) may not be located:

(A) within two hundred (200) feet of a well that supplies potable water; or

(B) within two hundred (200) feet of a residential structure that exists at the time that the composting facility initially

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- 1 registers under this chapter;
 2 (2) must be located outside the ten (10) year floodplain, except a
 3 facility that is either:
 4 (A) operated in conjunction with a publicly owned works
 5 permitted under IC 13-15-3; or
 6 (B) designed and operated to provide adequate controls to
 7 prevent ground or surface water contamination in the event a
 8 ten (10) year flood occurs;
 9 (3) must be designed and operated to:
 10 (A) prevent compost from being placed within five (5) feet of
 11 a water table or provide adequate controls to prevent ground
 12 or surface water contamination;
 13 (B) adequately control runoff from the composting facility;
 14 ~~and~~
 15 (C) manage leachate that is generated by the composting
 16 facility; and
 17 **(D) provide adequate controls to prevent contamination of**
 18 **wetlands; and**
 19 (4) must include controls for the following:
 20 (A) Dust.
 21 (B) Odor.
 22 (C) Noise.
- 23 SECTION 3. IC 13-20-10-8 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. **(a)** A registration
 25 **pursuant to an application submitted** under this chapter ~~(1)~~ **before**
 26 **July 1, 2003**, expires five (5) years after the date **on which** the
 27 composting facility for vegetative matter is registered. ~~and (2)~~
 28 **(b)** **A registration pursuant to an application submitted under**
 29 **this chapter after June 30, 2003, expires two (2) years after the**
 30 **date on which the composting facility for vegetative matter is**
 31 **registered.**
 32 **(c)** **A registration** may be renewed by the person who registered the
 33 composting facility if the person applies to the department.

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